

## **EXHIBIT B**

IN THE CIRCUIT COURT OF  
MONTGOMERY COUNTY, ALABAMA

SHARON LEA MANNING WAID, )

Plaintiff, )

v. )

Civil Action No.: CV-05-2185

REJEANA V. FREEMAN, et al. )

Defendants. )

NOTICE OF FILING REMOVAL

Ms. Melissa Rittenour  
Clerk  
Montgomery County Circuit Court  
251 South Lawrence Street  
Post Office Box 1667  
Montgomery, AL 36102-1667

PLEASE TAKE NOTICE that on this 23rd of February, 2006, the United States, on behalf of defendant Rejeana V. Freeman, filed in the office of the Clerk of the United States District Court for the Middle District of Alabama a Notice of Removal and Substitution of the above-styled action to that Court. A copy of that Notice is hereby filed with this Court. This action has been removed to the United States District Court and, in accordance with 28 U.S.C. § 1446 (d), this honorable Court should proceed no further unless and until the case is remanded.

CC: Richard Corrigan  
Tom Payne  
Stephen Foyle

3/9/02 Case Dismissed EAR

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

SHARON LEA MANNING WAID,

Plaintiff,

v.

REJEANA V. FREEMAN, et al.

Defendants.

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Civil Action No.: \_\_\_\_\_

**NOTICE OF REMOVAL & SUBSTITUTION**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. § 2679 (d) (2) and 42 U.S.C. § 1442a, *Sharon Lea Manning Waid v. Rejeana V. Freeman, et al.*, Case No. CV 2005-2185 (Circuit Court of Montgomery County, Alabama), is hereby removed to this Court, and the United States is substituted as party defendant for Rejeana V. Freeman. In support of this notice, the United States, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, respectfully states that:

1. Rejeana V. Freeman is a defendant in *Sharon Lea Manning Waid v. Rejeana V. Freeman, et al.*, Case No. CV 2005-2185 (Circuit Court of Montgomery County, Alabama). The complaint alleges that defendant Rejeana V. Freeman negligently and/or wantonly operated a motor vehicle causing it to collide with a motor vehicle driven by plaintiff Sharon Lea Manning Waid. Copies of all papers filed in the State court are filed with this Notice as Exhibit 1.

Respectfully submitted this 23<sup>rd</sup> day of February, 2006.

LEURA G. CANARY  
United States Attorney

By: 

STEPHEN M. DOYLE  
Chief, Civil Division  
Assistant United States Attorney  
Attorney for Defendant  
Post Office Box 197  
Montgomery, AL 36101-0197  
District of Columbia Bar No. 422474  
Telephone No.: (334) 223-7280  
Facsimile No.: (334) 223-7418  
E-mail: [stephen.doyle@usdoj.gov](mailto:stephen.doyle@usdoj.gov)

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a copy of the foregoing Notice of Filing Removal upon all attorneys of record by mailing each a copy of same, first class, postage prepaid, addressed as follows:

Tom Payne, Esquire  
305 South Lawrence Street  
Montgomery, AL 36104  
Attorney for Plaintiff

Richard Corrigan, Esquire  
Post Office Box 7501  
Mobile, AL 36670  
Attorney for Budget Rental Car

Dated this 23<sup>rd</sup> day of February, 2006.

  
Assistant United States Attorney

in the United States Air Force. The absolute immunity provided by the Westfall Act, 28 U.S.C. § 2679 (d)(2) constitutes a federal defense that provides a basis for removal of this action pursuant to *Mesa v. California*, 489 U.S. 121, 133 (1989).

WHEREFORE, pursuant to 28 U.S.C. § 2679 (d) (2) and 28 U.S.C. § 1442a, *Sharon Lea Manning Waid v. Rejeana V. Freeman, et al.*, Case No. CV 2005-2185 (Circuit Court of Montgomery County, Alabama)(Reese, E.) has been removed to this Court, and the United States has been substituted as party defendant for TSgt. Rejeana V. Freeman.

Respectfully submitted this 23<sup>rd</sup> day of February, 2006.

LEURA G. CANARY  
United States Attorney

By: 

STEPHEN M. DOYLE  
Chief, Civil Division  
Assistant United States Attorney  
Attorney for Defendant  
Post Office Box 197  
Montgomery, AL 36101-0197  
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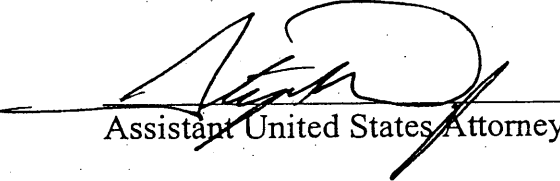
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Tom Payne, Esquire  
305 South Lawrence Street  
Montgomery, AL 36104  
Attorney for Plaintiff

Richard Corrigan, Esquire  
Post Office Box 7501  
Mobile, AL 36670  
Attorney for Budget Rental Car

Dated this 23rd day of February, 2006.

  
Assistant United States Attorney